

In re Application for Reissue of:
Patent No. 5,443,833

Patentee: ANDREW R. CLARK
PAUL WRIGHT
JULIA H. RATCLIFFE

Issued: August 22, 1995

For: PHARMACEUTICAL
COMPOSITIONS

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Attorney Docket No.: 2553.004

PETITION FOR FILING REISSUE APPLICATION BY OTHER THAN ALL THE INVENTORS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants, Andrew R. Clark, and Paul Wright, hereby petition the Commissioner to accept the filing of the above identified U.S. patent for reissue by other than all of the inventors.

Two declarations are attached hereto providing proof of the pertinent facts concerning the inability to reach a co-inventor to join in the present application for reissue of the above identified

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The name and last known address of the co-inventor as known by the assignee, Fisons plc to this patent, that has not been located is as follows:

**Julia Helena Ratcliffe,
Flat 2, 16 Crescent Road
Alverstoke Gosport
Hampshire PO12 2DH
England**

As explained in the support declarations of Andrew Agnew and John T. Polasek, all efforts to reach Julia Ratcliffe have been unsuccessful.

In the course of preparing papers related to this reissue application, the undersigned was provided with another possible address or individual by the name of Dr. J.H. Ratcliffe. This address is as follows:

15 Ipswich Road
Woodbridge
Suffolk IP12 4BS.

Because this person's phone number is unpublished, a letter was forwarded by Federal Express to the above address requesting Julia Ratcliffe to contact the undersigned law firm. We are informed that this Federal Express package was received by someone signing as "Ratcliffe". However, Dr. J.H. Ratcliffe has failed to contact the undersigned law firm as requested.

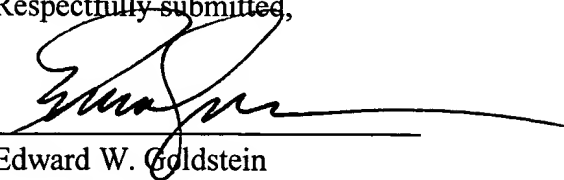
The invention disclosed in the above identified patent was developed under the authorization of Fisons plc by Andrew R. Clark, Paul Wright and Julia Helena Ratcliffe, all of whom were employed by Fisons plc to do so. Since Julia Ratcliffe was employed by Fisons plc, that is, paid compensation to develop the subject matter of the above identified patent, including the subject matter for which reissue claims are sought, this invention belongs to Fisons plc. Andrew Clark and Paul Wright will execute the reissue declaration.

Fisons plc is entitled to clear title of the invention claimed in the application for reissue of the above identified patent. Attached as Exhibit A to this petition is a copy of the assignment executed by Julia Helena Ratcliffe, Andrew Clark and Paul Wright assigning all rights to Fisons plc. Further, as set forth on the face of the above identified patent, Fisons plc is listed as the assignee.

Julia Ratcliffe is no longer in the employ of Fisons plc and efforts to obtain her cooperation in preparing the papers required for filing the present application for reissue have been unsuccessful.

The required fee (\$130.00) pursuant to Section 1.17 (h) is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward W. Goldstein", is written over a horizontal line.

Edward W. Goldstein

Reg. No. 22945

TOBOR & GOLDSTEIN, L.L.P.

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MARSHALL OTOOLE, GERSTEIN, MURRAY & BIELL Two First National Plaza, Chicago, Illinois 60601

Title "PHARMACEUTICAL COMPOSITIONS"

For TEN dollars

the receipt and sufficiency whereof are hereby acknowledged, the undersigned hereby assign(s) to:
FISONS plc of Fison House, Princes Street, Ipswich, England

its successors and assigns, the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, executed by the undersigned on 3 December, 1987, and in said application and any and all other applications in the United States, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States which may be obtained on any of said applications, and in any reissue or extension thereof.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee:
FISONS plc

The undersigned hereby authorize(s) and request(s) the attorneys of record in said application to insert in this assignment the date and serial number of said application when officially known.

The undersigned warrant(s) themselves (himself) to be the owners (owner) of the interest herein assigned and to have the right to make this assignment; and further warrant(s) that there are no outstanding prior assignments, licenses, or other rights in the interest herein assigned.

For said consideration the undersigned hereby agree(s) upon the request and at the expense of said assignee, its successors and assigns to execute any and all divisional, continuation, continuation-in-part and substitute applications for said invention or improvements, and any necessary oath or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and any and all applications and other documents for Letters Patent on said invention or improvements, that said assignee, its successors or assigns, may deem necessary or expedient, and for the aforesaid consideration the undersigned further agrees upon the request of said assignee, its successors or assigns, in the event of any application or Letters Patent assigned herein becoming involved in Interference, to cooperate to the best of the ability of the undersigned with said assignee, its successors or assigns, in the matter of preparing and executing the preliminary statement and giving and producing evidence in support thereof, the undersigned hereby agreeing to perform, upon request, any and all affirmative acts to obtain said Letters Patent in the United States and vest all rights therein hereby conveyed in the said assignee, its successors and assigns, whereby said Letters Patent will be held and enjoyed by the said assignee, its successors and assigns, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

Witness our (my) hand(s) and seal(s) this _____ day of _____, Nineteen hundred and _____

MR ANDREW REGINALD CLARK (Seal)

Witnesses:

1.) Howard **RECORDED**
PATENT & TRADEMARK OFFICE
MAY -2 1988 DR PAUL WRIGHT (Seal)

2.) Van Broek DR JULIA HELENA RATCLIFFE (Seal)

COMMISSIONER OF PATENTS
AND TRADEMARKS OFFICE